

U.S. Patent Application Serial No. 09/934,655
Amendment dated January 5, 2004
Reply to OA of September 5, 2003

REMARKS

Claims 1, 2 and 6-9 and new claim 17 are pending in the application. Claims 3, 4 and 10-16 are withdrawn from consideration. Claim 5 has been canceled without prejudice or disclaimer with this amendment. Claim 17 has been newly added. The restriction of claims is respectfully traversed as explained below.

The support for the claim amendments is as follows: claim 1 (claim 1); claim 7 (formality amendment) and new claim 17 (claim 1). Claims 2, 6 and 9 are rewritten in independent form to be allowable as indicated by the Examiner and Claim 7 is made dependent from rewritten claim 6. New claim 17 is the same as claim 1, except for X denoting only a branched group.

The applicants respectfully submit that no new matter has been added.

Restriction is required between Group I (claims 1-2 and 5-9), Group II (claims 3-4 and 10-13) and Group III (claims 14-16). (Office action paragraphs no. 1-7)

Responsive to the Restriction Requirement in the Office Action dated September 5, 2003 Applicants provisionally elect to pursue prosecution of Group I (claims 1-2 and 5-9). This election is made with traverse.

The reasons for traverse are as follows: Claim 3 is dependent from claim 1, and that formula (II) in claim 3 differs from formula (I) in claim 1 only in having the -CH₂Cl rather than =CH₂ group at the 4-position of the dioxolane. Therefore, the search of Group I requires the search of the substructure except for the group at the 4-position, which means that there is little additional burden

U.S. Patent Application Serial No. 09/934,655
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in searching the structure when the group at the 4-position is $-\text{CH}_2\text{Cl}$. It is respectfully requested that the restriction be reconsidered and that Group II (claims 3-4 and 10-13) be examined together with Group I claims. For purposes of ease of examination Claim 3 which has been officially withdrawn, as be rewritten in independent form, should the Examiner choose to remove the restriction requirement.

The Office Action on p.2, text line 16 indicates that claim groups I and III are related as mutually exclusive species in an intermediate-final product relationship. Claims 14 depends from claim 1 and recites the compound of claim 1 with an additional component: a photo-initiator. Therefore, claim 14 merely represents a composition which is narrower in scope than claim 1 by the requirement for the additional ingredient. This is **not** an intermediate-final product relationship, since the compound of claim 1 is present in the composition of claim 14. This restriction requirement is traversed on this basis. It is respectfully requested that the restriction be reconsidered and that Group III (claims 14-16) be examined together with Group I and II claims.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sokolov et al. (translated abstract of Latvijas PSR Zinatnu Akademijas Vestis, (6), 667-72, 1964). (Office action paragraph no. 9)

Sokolov discloses the preparation of 1,2-di-(1,3-dioxolan-2-yl)ethane. By amending Claim 1 so that X denotes a straight-chain when m denotes 1 the rejection is overcome.

U.S. Patent Application Serial No. 09/934,655
Amendment dated January 5, 2004
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Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Orth (DE 906514).

(Office action paragraph no. 10)

Orth discloses preparation of 2,2'-(1,4-butanediyl)bis[4-methylene-1,3-dioxolane]. By amending Claim 1 so that X denotes a straight-chain when m denotes 1 the rejection is overcome.

Claim 5 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sokolov et al. (Office action paragraph no. 13)

Claim 5 has been canceled making the rejection now moot.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sokolov et al.

Claims 7 and 8 have been made to be dependent from rewritten claim 6, which is indicated as allowable.

Claims 2, 6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2, 6 and 9 have been rewritten in independent form.

U.S. Patent Application Serial No. 09/934,655
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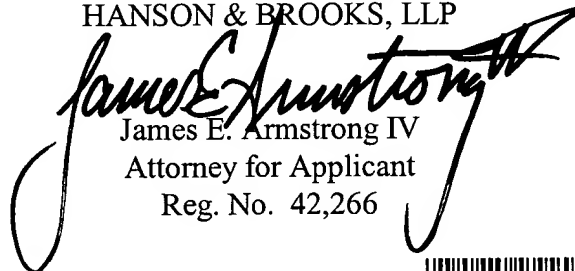
In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP


James E. Armstrong IV
Attorney for Applicant
Reg. No. 42,266

JAM/xl
Atty. Docket No. 011072
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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